

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

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Petition(s) for Special Leave to Appeal (Civil) No(s).20732/2004

(From the judgement and order dated 05/05/2004 in MJC No. 1938/2000 of The HIGH COURT OF PATNA)

SUDHANSHU SEKHAR TRIPATHI

Petitioner(s)

VERSUS

STATE OF BIHAR & ORS.

Respondent(s)

(With appln. for c/delay in filing SLP and prayer for interim relief and office report) (For final disposal)

Date: 07/11/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RUMA PAL
HON'BLE DR. JUSTICE AR. LAKSHMANAN
HON'BLE MR. JUSTICE DALVEER BHANDARI

Certified to be true copy
[Signature]
Assistant Registrar (Jud.)
07/11/05
Supreme Court of India

For Petitioner(s) Mr. S.B.Sanyal, Sr.Adv.
Mr. Ranjan Mukherjee, Adv.

For Respondent(s) Mr. Lakshmi Raman Singh, Adv.
Mr. Chandra Prakash, adv.

Mr. B.B. Singh, Adv.
Ms.Sunita R. Singh, adv.

Mr. R.Singh, adv.
Mr. S.Pinaki, adv.
Mr. Sanjay Jain, Adv

UPON hearing counsel the Court made the following
O R D E R

Delay condoned.
We see no reason to interfere with the impugned order. The special leave petition is dismissed.

[Signature]
(Suman Wadhwa)
Court Master

[Signature]
(Madhu Saxena)
Court Master

[Handwritten mark]

L.R. SINGH

Advocate

20-A, Lawyers Chambers,

Supreme Court, New Delhi-110001.

Ph Nos:23385275,23381727,23386914, Fax:23385245.

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08.11.2005

REF.: SPECIAL LEAVE PETITION [C] NO.20732/2004
Sudhanshu Shekhar Tripathy Vs. State of Bihar & Ors.

Legal sec.
To
17.11.05
Shri Syed Masoom Ali,
Deputy Secretary,
Bihar Public Service Commission,
15, Jawaharlal Nehru Marg,
Patna-800001.

Sir,

In reference to the matter mentioned above, kindly refer to your letter No. File No.-Vidhi Prakoshth-124/2004-[1731]/PSC, B.P.S.C., Patna dated 06.11.2004 as also my letters dated 16.11.2004 & 07.10.2005 respectively. As desired, I entered my appearance on behalf of the Bihar Public Service Commission in this Hon'ble Court on 16.11.2004. After preparing the counter affidavit to be filed on behalf of the Commission, a copy thereof was sent for your approval and after receipt of the same from your end, the same was filed in this Hon'ble Court on 04.01.2005. The petitioner also filed a Rejoinder Affidavit and I vide my letter dated 07.10.2005 while forwarding a copy thereof, had sought your comments at the earliest in order to enable me to place correct facts before the Court. However, before the same could be received from your end, the matter was listed on 07.11.2005 for final disposal. Accordingly, the matter was taken up yesterday by a bench presided over by Hon'ble Mrs. Justice Ruma Paul, Dr. A.R. Lakshmanan and Hon'ble Mr. Justice Dalbir Bhandari in Court No.2 as Item No. 63. The Court after hearing the counsel for the respective parties, dismissed the Special Leave Petition in view of the fact that the Commission has already complied with the judgment & order of the Division Bench of the High Court and if the petitioner is having any grievance with regard to persons possessing much lower marks and ranking in the merit list than by him still having been appointed as Deputy Collector whereas the petitioner has been given the post of Employment Officer, this being a fresh cause of action, the petitioner is entitled to challenge the same in an appropriate proceeding before the appropriate forum. In that view of the matter, now nothing survives here.

Enclosed herewith, you will also find a copy of the order dated 07.11.2005 of this Hon'ble Court as also my memo of fees & expenses.

Thanking you,

Yours sincerely,

L.R.S.
[L.R. SINGH]

Encl.: a/a.